

UNITED STATES DISTRICT COURT
for the
Western District of North Carolina

United States of America)
v.)
DADRIAN NEKEITH ROMAN, a/ka/ Keith Roman) Case No: 5:98CR282-11
Date of Previous Judgment: August 13, 2001) USM No: 13968-058
(Use Date of Last Amended Judgment if Applicable)) James Weidner
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 240 months **is reduced to** 235 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 37 Amended Offense Level: 35

Previous Guideline Range: 240 to 240 months Amended Guideline Range: 235 to 240 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): Apprendi v. New Jersey, 530 U.S. 466 (2000) was applied in this case at sentencing, which reduced the defendant's guideline range to 240 months. He was sentenced to 240 months imprisonment.

III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated August 13, 2001, shall remain in effect.

IT IS SO ORDERED.

Order Date: April 17, 2009

Effective Date: _____
(if different from order date)

Richard L. Yorkess

Richard L. Voorhees
United States District Judge



